

ENTERED

November 17, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEWELL THOMAS,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:22-CV-00250

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

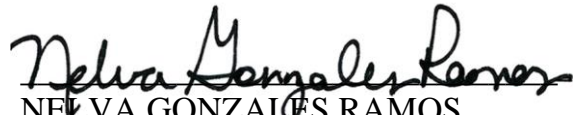
On October 10, 2023, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 27). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 27), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Court **DISMISSES** with prejudice: (1) Petitioner's claim that TDCJ officials failed to follow their own policy to obtain clearance from the mental health department prior to Petitioner's disciplinary hearing, and (2) Petitioner's challenge to the reduction in his time-earning classification and his loss of privileges. Those claims are not cognizable on federal habeas review. The Court **DISMISSES** with prejudice as unexhausted Petitioner's claims that he was denied the opportunity to call witnesses in his defense and that TDCJ officials violated the Americans with Disabilities Act and Rehabilitation Act. Finally, the Court **DENIES** Petitioner's claim that he was wrongly denied the opportunity to present documentary evidence at his hearing. The Court **DISMISSES** this action in its entirety. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED on November 17, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE